IN THE CLAIMS:

Please amend claims 1, 3-19, 21-26 and 34;

cancel claims 2, 20, 27-33, 35 and 36 without prejudice and disclaimer; and

add new claims 37-45 as follows.

1. (Currently Amended) A method, ~~for handling service failures in a communications network comprising a user equipment, a first network element and a serving network element, the method~~ comprising ~~the steps of~~:

receiving at ~~the~~ a first network element in a communications network a first message from ~~the~~ a user equipment;

transmitting the first message from the first network element to ~~the~~ a serving network element;

detecting at the first network element that the serving network element is out of service;

determining at the first network element ~~the~~ a type of the first message; ~~and~~

in dependence on the type of the first message, sending from the first network element to the user equipment an error message including an indication that the serving network element is out of service.; and

subsequent to sending the error message to the user equipment, receiving a second message from the user equipment of a second type different from the first message type.

2. (Cancelled)

3. (Currently Amended) A method according to claim ~~2~~1, ~~further comprising the step of:~~wherein

~~subsequent to receiving the error message at the user equipment, sending a second message of a second type different from the type of the first message~~ the second message is configured to initiate a registration from the user equipment to the first network element.

4. (Currently Amended) A method according to claim 1, wherein ~~the method further comprises prior to receiving at the first network element a first message from the user equipment the step of:~~

~~establishing~~ a bearer for signalling is established between the user equipment and the communications network prior to the receiving of the first message.

5. (Currently Amended) A method according to claim 4, further comprising ~~the further steps of selecting a further serving network element and~~ forwarding the first message to ~~the~~ a further serving network element.

6. (Currently Amended) A method according to claim 5, wherein ~~the method comprises the further step of: registering at~~ the further serving network element registers the user equipment.

7. (Currently Amended) A method according to claim 4, wherein the bearer for signalling ~~is~~ comprises a signalling or general purpose ~~PDP~~ packet data protocol context bearer.

8. (Currently Amended) A method according to claim 1 wherein the communications network is an internet protocol ~~Internet Protocol~~ multimedia subsystem ~~(IMS)~~ network.

9. (Currently Amended) A method according to claim 1 wherein the first network element ~~is~~ comprises an interrogating call session control function ~~Interrogating Call Session Control Function (I-CSCF)~~.

10. (Currently Amended) A method according to the claim 1, wherein the first network element ~~is~~ comprises a proxy call session control function ~~Proxy Call Session Control Function (P-CSCF)~~.

11. (Currently Amended) A method according to claim 1 wherein the serving network element ~~is~~ comprises a serving call session control function ~~Serving Call Session Control Function (S-CSCF)~~.

12. (Currently Amended) A method according to claim 1, wherein the ~~step of~~ determining of the ~~a~~ type of the first message comprises ~~determining the type of message based on the~~ evaluating content of a predefined information element in the first message.

13. (Currently Amended) A method according to claim 1, wherein the ~~step of~~ detecting at the first network element that the serving network element ~~in a communications network~~ is out of service, comprises ~~the step of~~:

detecting that a predetermined time period has passed since the forwarding of the message from the first network element to the serving network element and before a response has been received from the serving network element and/or determining that the first message has been transmitted a predetermined number of times.

14. (Currently Amended) A method according to claim 1, wherein the type of the first message ~~is~~ comprises a re-registration request.

15. (Currently Amended) A method according to claim 1, wherein the type of the second message ~~is~~ comprises an initial registration request.

16. (Currently Amended) A method according to claim 12, wherein the information element indicates that the ~~request~~ first message is sent integrity protected.

17. (Currently Amended) A method according to claim 12, wherein the information element indicates that ~~the~~ a user has been successfully authenticated.

18. (Currently Amended) A method according to claim 12, wherein the information element in the first message is an integrity protected flag in an authorization ~~Authorization~~ header of the first message.

19. (Currently Amended) ~~A network element in a communications network further comprising a serving network element and a user equipment, wherein the network element is arranged to~~An apparatus, comprising:

a processor configured to

receive a first message from ~~the~~ a user equipment;

forward the first message to ~~the~~ a serving network element;

detect that the serving network element is out of service;

determine ~~the~~ a type of the first message; and

in dependence on the type of the first message received from the user equipment send an error message to the user equipment~~.~~; and

subsequent to the error message being sent to the user equipment, receive a second message from the user equipment of a second type different from the first message type.

20. (Cancelled).

21. (Currently Amended) An apparatus, comprising: ~~A user equipment in a communications network further comprising a first network element and a serving network element, wherein the user equipment is arranged~~

a processor configured to

receive an error message from ~~the~~ a first network element in a communications network, the error message indicating that ~~the~~ a serving network element for the ~~user equipment~~ apparatus is out of service, and

in ~~respond~~ response to the error message ~~by~~ to ~~sending~~ send a further message of a second type different ~~to~~ from the first type to the first network element.

22. (Currently Amended) ~~A user equipment~~ An apparatus according to claim 21, wherein the processor is further arranged to

establish a bearer for signalling between the ~~user equipment~~ apparatus and ~~the~~ a communications network comprising said first network element and said serving network element, and

~~further arranged to~~ respond to the error message by dropping the bearer for signalling between the apparatus ~~user equipment~~ and the communications network.

23. (Currently Amended) ~~A user equipment~~ An apparatus according to claim 22 wherein the bearer for signalling ~~is~~ comprises a signalling or general purpose ~~PDP~~ packet data protocol context bearer ~~bearers~~.

24. (Currently Amended) ~~A user equipment~~ An apparatus according to claim 21, wherein the type of the further message sent to the first network element ~~is~~ comprises an initial registration request.

25. (Currently Amended) An apparatus, comprising:

a processor configured to ~~A user equipment for operation in a communications network comprising a first network element, the user equipment being arranged to~~

determine that ~~the~~ a first network element in a communications network is out of service by sending a request to the first network element and determining that no response has been received from the first network element; and

~~wherein the user equipment is arranged on determining that~~ when the first network element is determined to be out of service, ~~to~~drop a bearer for signalling between the ~~user equipment~~ apparatus and ~~the~~ a communications network comprising the first network element,

discover or select ~~a new a further first~~ a second network element, and

send to the ~~further~~ second network element a message comprising an initial request for registration at the communications network.

26. (Currently Amended) A method, ~~for handling service failures in a communications network, the communications network comprising: a user equipment; a first network element; and a further network element, the method~~ comprising ~~the steps of~~:

~~sending from the~~ receiving at a user equipment ~~to the first network elements~~ a first message to a first network element ;

detecting at the user equipment that the first network element is out of service;

dropping ~~the~~ a signalling bearer from the user equipment to ~~the~~ a communications network comprising the user equipment and the first network element;

selecting or discovering at the user equipment ~~the~~ a ~~further~~ second network element in the communications network; and

sending from the user equipment to the ~~further~~ second network element a message comprising an initial registration request.

27-33. (Cancelled).

34. (Currently Amended) A ~~communications~~ system, ~~said communications system~~ comprising:

a network element;

a serving network element in communication with the network element; and

user equipment in communication with said network element;

wherein said network element is configured to

receive a first message from the user equipment,

forward the first message to the serving network element,

detect that the serving ~~work~~ network element is out of service,

determine a type of the first message, and

in dependence on the type of the first message received from the user equipment, send an error message to the user equipment; and

subsequent to sending the error message to the user equipment, receive a second message from the user equipment of a second type different from the first message type from the user equipment.

35-36. (Cancelled).

37. (New) An apparatus according to claim 25 wherein the bearer for signalling comprises a signalling or general purpose packet data protocol context bearer.

38. (New) A method according to claim 26 wherein the bearer for signalling comprises a signalling or general purpose packet data protocol context bearer.

39. (New) A method comprising:

receiving an error message from a first network element in a communications network, the error message indication that a serving network element for a user equipment is out of service; and

in response to the error message, sending a further message of a second type different from the first type to the first network element.

40. (New) A method according to claim 39, wherein the further message is configured to initiate a registration from the user equipment to the first network element.

41. (New) An apparatus, comprising:

means for receiving a first message from a user equipment;

means for forwarding the first message to a serving network element;

means for detecting that the serving network element is out of service;

means for determining a type of the first message;

means for sending an error message to the user equipment in dependence on the type of the first message received from the user equipment; and

subsequent to sending the error message to the user equipment, means for receiving a further message of a second type different from the first message type from the user equipment.

42. (New) An apparatus, comprising:

means for receiving an error message from a first network element in a communications network, the error message indicating that a serving network element for the apparatus is out of service, and

means for sending a further message of a second type different from the first message type to the first network element in response to the error message.

43. (New) An apparatus, comprising:

means for determining that a first network element in a communications network is out of service by sending a request to the first network element and determining that no response has been received from the first network element;

when the first network element is determined to be out of service, means for dropping a bearer for signaling between the apparatus and a communications network comprising the first network element;

means for discovering or selecting a second network element; and

means for sending to the second network element a message comprising an initial request for registration at the communications network.

44. (New) A computer readable medium configured to store instructions of a computer program that when executed controls a processor to perform:

receiving at a first network element in a communications network a first message from a user equipment;

transmitting the first message from the first network element to a serving network element;

detecting at the first network element that the serving network element is out of service;

determining at the first network element a type of the first message;

in dependence on the type of the first message, sending from the first network element to the user equipment an error message including an indication that the serving network element is out of service; and

subsequent to sending the error message to the user equipment, receiving a second message from the user equipment of a second type different from the first message type.

45. (New) A computer readable medium configured to store instructions of a computer program that when executed controls a processor to perform:

receiving at a user equipment a first message to a first network element;

detecting at the user equipment that the first network element is out of service;

dropping a signalling bearer from the user equipment to a communications network comprising the user equipment and the first network element;

selecting or discovering at the user equipment a second network element in the communications network; and

sending from the user equipment to the second network element a message comprising an initial registration request.